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Attorneys for Defendant
ACSTAR Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLEAN HARBORS, INC., and CLEAN :
HARBORS ENVIRONMENTAL :
SERVICES, INC., :
:

Plaintiffs, :

vs. :

ACSTAR INSURANCE COMPANY, :
BOEING CAPITAL CORPORATION, :
and McDONNELL DOUGLAS TRUCK :
SERVICES, INC., :
:

Defendants. :

Civil Action No.: 09-cv-5175-RBK-AMD

NOTICE OF MOTION

Return date: December 7, 2009

ORAL ARGUMENT REQUESTED

TO: Dennis J. Krumholz, Esq.
Riker, Danzig, Scherer, Hyland & Perretti, LLP
One Speedwell Avenue
Morristown, NJ 07962
Attorneys for Plaintiffs
*Clean Harbors, Inc. and Clean Harbors
Environmental Services, Inc.*

Paul A. Taufer, Esq.
DLA Piper US LLP
One Liberty Place
1650 Market Street – Suite 4900
Philadelphia, PA 19103
Attorneys for Defendants
*Boeing Capital Corporation and
McDonnell Douglas Truck Services, Inc.*

COUNSEL:

PLEASE TAKE NOTICE that on December 7, 2009, at 9:30 a.m., or as soon thereafter as counsel may be heard, defendant ACSTAR Insurance Company ("ACSTAR"), through its attorneys, Wolff and Samson PC, shall move before the Honorable Robert B. Kugler, at the courthouse, located at 4th and Cooper Streets, Camden, New Jersey, for an Order, pursuant to Rule 12(b)(6) and 28 U.S.C. § 1404(a), dismissing this action, or staying it pending the determination of the previously-filed litigation entitled *ACSTAR Insurance Company as Administrator and Reinsurer for United Coastal Insurance Company v. Clean Harbors, Inc., Clean Harbors Environmental Services, Inc., Boeing Capital Corporation, and McDonnell Douglas Truck Services, Inc.*, pending in the United States District Court for the District of Connecticut, docket number 09-cv-1261, or transferring this action to the United States District Court for the District of Connecticut, and awarding ACSTAR such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, ACSTAR shall rely upon the accompanying Certification of Gary M. Case, the accompanying Certification of Adam P. Friedman, and the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is provided herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

WOLFF & SAMSON PC
Attorneys for Defendant
ACSTAR Insurance Company

By: ~ /s Adam P. Friedman ~
Adam P. Friedman

Dated: November 9, 2009